

R590. Insurance, Administration.

R590-151. Records Access Rule. (Effective 10-3-2012)

R590-151-1. Authority.

This rule is adopted pursuant to the provisions of Chapter 2, Title 63G, the Government Records Access and Management Act (GRAMA), specifically Subsections 63G-2-204(2), and 63A-12-104(2).

R590-151-2. Purposes.

The purposes of this rule are to define how record requests are to be made to the Insurance Department, to designate the person who shall fulfill various functions pursuant to the requirements of GRAMA, and to define how an individual may contest the accuracy and completeness of records concerning that individual which are maintained by the department.

R590-151-3. Rule.

- (1) Making a Request for Access to Records.
 - (a) All record requests made under the provisions of GRAMA shall;
 - (i) be made in writing, email, or facsimile;
 - (ii) comply with the requirements of Subsection 63G-2-204(1);
 - and
 - (iii) indicate in the subject line "GRAMA REQUEST"; and
 - (iv) be directed;
 - (A) in writing to the Records Officer, Utah Department of Insurance, State Office Building, Room 3110, Salt Lake City, Utah, 84114;
 - (B) via email to mdycrabb@utah.gov; or
 - (C) or via facsimile to the attention of Records Officer at (801)538-3829 .
 - (b) The department's response may be delayed if a submitted request does not comply with the requirements of Subsection (1).
- (3) The department may, at its discretion, waive the requirement for a written request if the records requested are public and readily accessible, or for other good cause shown.
- (2) Appeals From Initial Decisions.

All appeals from an initial decision by the department, which denies access to a record, shall be addressed to the insurance commissioner and shall conform to the requirements of Section 63G-2-401. The authority to order disclosure or nondisclosure is delegated to the head of the division which maintains the record or to any other person the commissioner may designate from time to time.
- (3) Contesting Accuracy or Completeness of a Record.
 - (a) Any request pursuant to Subsection 63G-2-603(2) shall be directed to the records officer.
 - (b) Consideration of the request shall be conducted as an informal adjudicative proceeding unless converted to a formal adjudicative proceeding by the presiding officer.
 - (c) A request to amend findings of fact in any administrative proceeding where the time for appeal has expired shall be denied. These types of records shall be maintained in their original form to protect the public interest and the integrity of the Administrative Records. Section 63G-2-603, may not apply.

R590-151-4. Enforcement Date.

The commissioner shall begin enforcing the revised provisions of this rule on the effective date.

R590-151-5. Severability.

If any provision or clause of this rule or the application of it to any person or situation is held to be invalid, that invalidity shall not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provision of this rule are declared to be severable.

KEY: insurance records access

Date of Enactment or Last Substantive Amendment: 2012

Notice of Continuation: July 25, 2007

**Authorizing, and Implemented or Interpreted Law: 63G-2-204;
63A-12-104**